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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,682	08/10/2001	Byung Han Kim	9597-P67034US0	4316

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WASHINGTON, DC 20004

EXAMINER

CHEN, PO WEI

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 12/23/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,682

Applicant(s)

KIM, BYUNG HAN

Examiner

Po-Wei (Dennis) Chen

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9 is/are rejected.
- 7) ☒ Claim(s) 8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

In response to an Amendment received on September 22, 2003. This action is final.

Claims 1-11 are pending in this application. Claims 1, 5 and 9 are independent claims.

The present title of the invention is "Picture Adjustment Method and Apparatus for Video Display Appliance".

The Group Art Unit of the Examiner case is now 2676. Please use the proper Art Unit number to help us serve you better.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraka et al. (US 6,400,377; refer to as Hiraka herein) and further in view of Kabeya et al. (US 5,331,337; refer to as Kabeya herein), McCain et al. (US 6,129,449; refer to as McCain herein) and Gram (US 5,287,514).

3. Regarding claim 1, Hiraka discloses a video monitor adjustment system comprising:

A picture adjustment, method for a video display appliance for providing diverse picture adjustment functions through a plurality of picture adjustment OSDs (lines 4-65 of column 7 and Fig. 9 and 15A-H);

(a) picture adjustment OSDs (lines 4-65 of column 7 and Fig. 9 and 15A-H);

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(b) if entry into a picture adjustment process is commanded, displaying the accessible picture adjustment OSDs (lines 31-38 of column 7 and Fig. 9 and 15A-H);

(c) if a command for picture adjustment is inputted through any one of the displayed picture adjustment OSDs (lines 24-45 of column 8 and Fig. 11);

(d) performing the picture adjustment in accordance with the inputted command for picture adjustment (lines 41-65 of column 8 and Fig. 11 and 15A-H);

It is noted that Hiraka does not disclose determining accessible OSD menu and checking OSD menu is accessible. However, this is known in the art taught by Kabeya. Kabeya teaches a menu screen for data processing that determine and checking available or accessible menu items (see lines 32-46 of column 4). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Kabeya to provide the function of allowing user to know which menu items are available by simply taking a look at the screen and thus provides a high levels of efficiency (see lines 48-52 of column 2, Kabeya).

It is noted that the combination of Hiraka and Kabeya does not disclose ignoring the inputted command. However, this is known in the art taught by McCain (US 6,129,449). McCain discloses a menu screen for a communication device that "receipt of an improper input will be ignored as a means of error checking" (see lines 1-4 of column 7). It would have been obvious to one of ordinary skill in the art to utilize the teaching of McCain to provide the function of prevent any input error. Further, McCain, like Hiraka, is directed to the display of information and the process of a user selecting data from a menu.

The combination of Hiraka, Kabeya and McCain does not disclose entering a menu for determining an accessibility or inaccessibility and storing information on the accessibility or

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inaccessibility in a memory. Gram discloses a method for customizing a user menu utilizing the method (lines 62-68 of column 4 and Fig. 1; while claim recites accessibility or inaccessibility, it is noted that each item available for display in the menu can be added (accessible) or removed (inaccessible) by the user. Also, in Fig. 1, it is noted that the setting can be saved which corresponding to saving in a memory). It would have been obvious to one of ordinary skill in the art to utilize Gram to provide the flexibility in customizing any menu driven user interface to meet the needs of individual user's requirements (lines 62-68 of column 2 and lines 60-64 of column 3, Gram).

4. Regarding claim 3, Hiraka discloses a video monitor adjustment system comprising:

Displaying any one of the plurality of picture adjustment OSDs if a command for entry into a picture adjustment process is inputted by the user; and displaying the corresponding picture adjustment OSD if the user requests display of another picture adjustment OSD while displaying the picture adjustment OSD (lines 44-61 of column 6 and lines 20-38 of column 7 and Fig. 13A-B).

5. Regarding claim 9, statements presented above, with respect to claim 1 are incorporated herein. Furthermore, while claim recites accessibility instructions, it is noted that Gram discloses that the user is able to add or remove the item in the menu thus correspond to giving accessibility instruction of the item to determine whether the item can be accessible (lines 62-68 of column 4 and Fig. 1).

6. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraka et al. (US 6,400,377; refer to as Hiraka herein), Kabeya et al. (US 5,331,337; refer to as Kabeya herein), McCain et al. (US 6,129,449; refer to as McCain herein) and Gram (US 5,287,514) as

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applied to claims 1 above, and further in view of Watanabe et al. (US 5,717,848; refer to as Watanabe herein).

7. Regarding claims 2 and 4, Hiraka discloses a video monitor adjustment system comprising:

Searching whether or not a command for entry into the picture adjustment process is inputted (Fig. 7 and 9). It is noted that while claim recites searching, it would have been clear that the system is in a state of waiting the user to input a selection. Therefore, the system is constantly searching for an input by the user. Thus, limitation of claim is met.

Hiraka does not disclose the determination of the accessible picture adjustment OSDs. However this is known in the art taught by Kabeya, as statements presented, above, with respect to claim 1 are incorporated herein.

The combination of Hiraka, Kabeya, McCain and Gram does not disclose displaying in colors corresponding to the pre-determined accessibility. However, this is known in the art taught by Watanabe. Watanabe disclose an operational screen for generating objection motion path that "Each menu is displayed at a normal lightness when the menu can be selected, an with a dark color when it cannot be selected (see lines 34-35 of column 25). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Watanabe to provide the user the ease of selecting functions from the menu with visual aid.

***Allowable Subject Matter***

8. Claims 5-6 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

Prior art references do not anticipate or suggest the limitation "determining whether the

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picture adjustment is accessible if a power source of the video display appliance is turned on with simultaneous input of predetermined two or more keys" in combination with the other claim limitations in claim 5.

10. Claim 8 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu (US 6,493,005);

Matsumoto (US 6,057,813);

Torres (US 5,384,910).

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C Bella can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen  
Examiner

Application/Control Number: 09/925,682

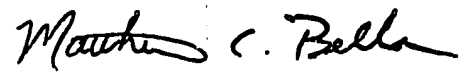
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Po-Wei (Dennis) Chen

December 15, 2003

A handwritten signature in black ink, reading "Matthew C. Bella". The signature is written in a cursive style with a large, stylized "M" and "B".

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600